

LAW OFFICES
PAULA J. NOTARI
125 PARK AVENUE
8th Floor
NEW YORK, NEW YORK 10017

Tel. (646) 943-2172

USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/20/18

December 19, 2018

BY ECF

The Honorable Ronnie Abrams
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Jason Galanis, et al.*, S1 16 Cr. 371 (RA)

Dear Judge Abrams:

On behalf of defendant Bevan Cooney for the reasons stated herein we are asking the Court to adjourn Mr. Cooney's upcoming sentencing date. The Government consents to this request.

Since my last request for adjournment, the Government has filed a notice of appeal in the case of co-defendant Devon Archer although I do believe they are still considering their options as to Mr. Archer which may impact the sentencing of Mr. Cooney. However, beyond the case of Mr. Archer, there are other pressing considerations which require my need for additional time. Last week I learned that I would need unexpected surgery which is currently scheduled for December 26, 2018. The doctor anticipates that my recovery will be approximately 1 week. However, I am also scheduled to begin trial in the case of *US v. Latique Johnson*, 16CR281 (PGG), the lead defendant charged with RICO conspiracy and associated violence and narcotics and firearms crimes. The trial is scheduled to proceed on February 11, 2019 before the Honorable Paul G. Gardephe. This is expected to be a 4 week trial and the discovery is voluminous. As just one example, on November 26, 2018 the government in Mr. Johnson's case produced 191 audio recordings of jail calls of a cooperating witness who is expected to testify at trial. This is in addition to approximately 2500 recorded prison calls of my client. Because of Mr. Cooney's complex trial, the massive discovery production in the Galanis case and post-trial motions, I have been delayed in my ability to learn Mr. Johnson's case. In the case of Mr. Johnson, the government has been actively producing discovery in recent weeks and they have indicated that there will be voluminous 3500 material produced in early January because they expect there to be 10 cooperating witnesses.

As noted in my previous letter to the Court, the recent 59 page decision of this Court viewed Mr. Cooney and Mr. Archer in many respects as similarly situated ("the flaw most fatal to Cooney's motion, and which is the most substantial distinction between the evidence against him and Archer, is that Cooney received money directly from the purported annuity provider for the WLCC.") Your Honor noted factors which distinguish them. It is our hope to convey a full picture of Mr. Cooney's life and relevant aspects of this case which we hope will better explain Mr. Cooney's role in this case. A competent submission must address any issues raised in Your Honor's decision as they relate to Mr. Cooney's sentencing. As the Court knows I am a solo practitioner and although I have the assistance of Mr. Hassen, I am lead counsel in this case and in Mr. Johnson's case. Both of these defendants who are facing lengthy prison sentences deserve my full attention during this critical stage of their respective cases which is currently not possible given the considerations I have outlined above and my upcoming surgery.

Application granted. The sentence is adjourned to April 4, 2019 at 11:00 a.m.
SO ORDERED.

Ronnie Abrams, U.S.D.J
December 20, 2018

The Government consents to this request to adjourn Mr. Cooney's sentencing until after my trial. As noted my trial is commencing on February 11, 2018 and it is expected to last 4 weeks. I can alert the Court when it is finished in the event that we end earlier than expected. I will need time (approximately 2 weeks) after the trial to refocus on Mr. Cooney's sentencing and to finalize my sentencing submission. I respectfully ask the Court to set a new sentencing date the first week of April. Alternatively, I can contact the Government and the Court when my trial is done and we can then set a new date.

If the Court requires further information or documentation please do not hesitate to ask. Thank you for your consideration of this matter.

Respectfully,

/s/ Paula Notari
Paula Notari
Counsel for Bevan Cooney

cc: All Attorneys ECF